

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

ESN, LLC,

Plaintiff,

v.

CISCO SYSTEMS, INC., and CISCO-  
LINKSYS, LLC,

Defendants.

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CIVIL ACTION NO. 5:08-CV-20 (DF)

**ORDER**

Currently before the Court are ESN's Motion to Stay the Briefing Schedule on Cisco's Motion to Dismiss for Lack of Standing (Dkt. No. 75), Cisco's Motion to Dismiss for Lack of Standing (Dkt. No. 71), and ESN's Motion to Disqualify Counsel and Impose Sanctions (Dkt. No. 73). The Court held a teleconference on May 11, 2009 to briefly discuss these Motions, particularly ESN's Motion to Stay the Briefing Schedule. *See* Dkt. No. 87 (minutes).

As stated during the teleconference, the Court is inclined to hear all these Motions together but will make a final determination in that regard when the Motion to Dismiss is fully briefed. The Court hereby stays all response and reply deadlines for these Motions until such time as Plaintiff has been able to complete discovery regarding the Motion to Dismiss. ESN requests, and the Court grants, 60 days to complete such discovery and file a response; discovery shall be completed and a response filed by 5PM on July 17, 2009. The parties are hereby **ORDERED** to notify the Court by letter when the Motion to Dismiss is ripe for the Court's consideration. At that time, the Court will determine how to proceed.

The Court expects the parties to conduct discovery in good faith. The parties shall meet and confer in person, with local counsel present, to resolve any discovery issues. In the event a discovery dispute cannot be resolved, the Court should be promptly notified by motion. In the even the parties have difficulties scheduling meet and confers or depositions, the parties shall seek guidance from the Court.

Finally, as the parties are aware, the claim-construction hearing in this case is set for next month (tutorial on June 10 and hearing on June 11). As of now, both the tutorial and hearing will remain on the Court's calendar. However, the parties are hereby **ORDERED** to discuss these dates and notify the Court if the claim-construction schedule is no longer feasible.

**IT IS SO ORDERED.**

**SIGNED this 12th day of May, 2009.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE